

May 20, 2015

Clerk to the Honorable
Judge Martin Glenn
United States Bankruptcy Judge
Southern District of New York
One Bowling Green
New York, New York, 10004

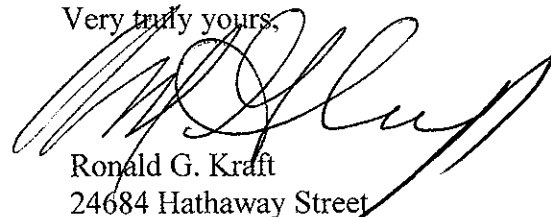
Dear Madam:

Enclosed find my Motion to Set Aside Order Dismissing Claim along with supporting documents.

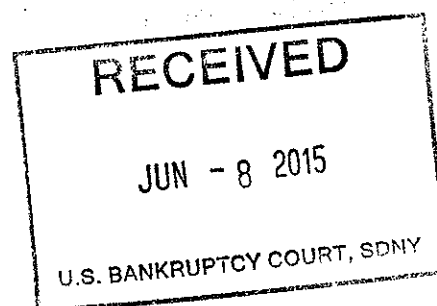
I would appreciate the Motion being heard without Oral Arguments and/or by telephone. The cost to us to fly to and from New York is very expensive and my income is Social Security.

Thanking you in advance for your cooperation.

Very truly yours,



Ronald G. Kraft
24684 Hathaway Street
Farmington Hills, Michigan 48335
248-909-2559



UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

RESIDENTIAL CAPITAL, LLC, et al
Debtors, Case No: 12-12020 (MG)
Chapter 11
Jointly Administered

MOTION TO SET ASIDE ORDER DISMISSING CLAIM

Now comes Ronald G. Kraft and Marlene L. Kraft and files this Motion to Set Aside Order Dismissing Claim and says as follows:

1. Claim was filed by Ronald G. Kraft and Marlene L. Kraft in the sum of \$4000,000.00 as General Creditors in the above Bankruptcy Claim No: 2359.
2. Objections Claim were filed with this Court and Proof of Service was filed indicating Service of Objection to Claim was mailed to Ronald G. Kraft and Marlene Kraft at:

24384 Hachaway, Farmington Hills, Michigan **48334**

(which is an incorrect address, see Exhibit A)

3. We never received that notice because **our address is:**

24684 Hathaway, Farmington Hills, Michigan **48335**
(see Exhibit B)

4. The Proof of Service filed with the Court indicates Notice of same was mailed to:

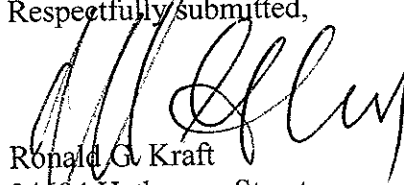
24384 Hachaway, Farmington Hills, Michigan **48334**

5. The first time I discovered that our claim was objected to was when I called the Law Firm of Kramer, Levin, Naftalis & Frankel LLP and was informed of the Objection and also the Proof of Service. They mailed me a copy of the Proof of Service.
6. With No Request for Hearing filed by the Claimants to the Objection the Court Dismissed our Claim. The Court records show our address to be 24684 Hathaway Street, Farmington Hills, Michigan, 48335 Cincinnati, Ohio 45999 (see attached Affidavit of No Service)

7. We have a Meritorious Claim which was filed with the Bankruptcy Court.

Based on the fact that we have never received the Notice of Objection, we request this court to Set Aside the Order dismissing our Claim and/or reinstate Our Claim or Set a date of Hearing as to the Merits of the Claim.

Respectfully submitted,



Ronald G Kraft
24684 Hathaway Street
Farmington Hills, Michigan 48335

Telephone # 248-909-2559

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
Debtors.)	Jointly Administered

**ORDER GRANTING DEBTORS' FIFTY-FIRST OMNIBUS OBJECTION
TO CLAIMS (BORROWER BOOKS AND RECORDS CLAIMS -
RES JUDICATA AND WRONG DEBTOR)**

Upon the fifty-first omnibus objection to claims, dated November 8, 2013 [Docket No. 5646] (the "Fifty-First Omnibus Claims Objection")¹ of Residential Capital, LLC and its affiliated debtors in the above-referenced Chapter 11 Cases, as debtors and debtors in possession (collectively, the "Debtors"), seeking entry of an order, pursuant to section 502(b) of title 11 of the United States Code (the "Bankruptcy Code"), Rule 3007(d) of the Federal Rules of Bankruptcy Procedure, and this Court's order approving procedures for the filing of omnibus objections to proofs of claim (ECF Doc. // 3294) (the "Procedures Order"), disallowing and expunging the No Liability Borrower Claims on the basis that such claims are invalid under principles of res judicata and/or having been filed against the wrong debtor entity, all as more fully described in the Fifty-First Omnibus Claims Objection; and it appearing that this Court has jurisdiction to consider the Fifty-First Omnibus Claims Objection pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Fifty-First Omnibus Claims Objection and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of

¹ Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Fifty-First Omnibus Claims Objection.



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the Fifty-First Omnibus Claims Objection having been provided, and it appearing that no other or further notice need be provided; upon consideration of the Fifty-First Omnibus Claims Objection and the Declaration of Lauren Graham Delchey, the Declaration of Norman S. Rosenbaum and the Declaration of Robert D. Nosek, annexed to the Fifty-First Omnibus Claims Objection as Exhibits 1-3, respectively; and the Court having found and determined that the relief sought in the Fifty-First Omnibus Claims Objection is in the best interests of the Debtors, their estates, creditors, and all parties in interest and that the legal and factual bases set forth in the Fifty-First Omnibus Claims Objection establish just cause for the relief granted herein; and the Court having determined that the Fifty-First Omnibus Claims Objection complies with the Borrower Claim Procedures set forth in the Procedures Order; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the relief requested in the Fifty-First Omnibus Claims Objection is granted to the extent provided herein; and it is further

ORDERED that, pursuant to section 502(b) of the Bankruptcy Code, the claims listed on Exhibit A annexed hereto under the heading "Claims to be Disallowed and Expunged" (collectively, the "No Liability Borrower Claims") are disallowed and expunged with prejudice; and it is further

ORDERED that Kurtzman Carson Consultants LLC, the Debtors' claims and noticing agent, is directed to disallow and expunge the No Liability Borrower Claims identified on the schedule attached as Exhibit A hereto so that such claims are no longer maintained on the Debtors' claims register; and it is further

ORDERED that the following matter relating to the No Liability Borrower Claims shall be adjourned to the omnibus hearing scheduled for January 30, 2014 at 10:00 a.m. (EST):

- Jamie L. Gindele (Claim Nos. 5422 and 5431)

ORDERED that the Debtors are authorized and empowered to take all actions as may be necessary and appropriate to implement the terms of this Order; and it is further

ORDERED that notice of the Fifty-First Omnibus Claims Objection, as provided therein, shall be deemed good and sufficient notice of such objection, and the requirements of Bankruptcy Rule 3007(a), the Case Management Procedures entered on May 23, 2012 (ECF Doc. # 141), the Procedures Order, and the Local Bankruptcy Rules of this Court are satisfied by such notice; and it is further

ORDERED that this Order has no res judicata, estoppel, or other effect on the validity, allowance, or disallowance of any claim not listed on Exhibit A annexed to this Order, and the Debtors' and any party in interest's rights to object on any basis are expressly reserved with respect to any such claim not listed on Exhibit A annexed hereto; and it is further

ORDERED that this Order shall be a final order with respect to each of the No Liability Borrower Claims identified on Exhibit A, annexed hereto, as if each such No Liability Borrower Claim had been individually objected to; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: December 19, 2013
New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge

Served via First Class Mail

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GMAC Mortgage
c/o Kurtzman Carson Consultants LLC
PO Box 8013
Redondo Beach, CA 90277

025149



PRF 48744 725540

MARLENE L KRAFT
24684 HATHAWAY ST
FARMINGTON HILLS MI 48335-1547

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

RESIDENTIAL CAPITAL, LLC, et al
Debtors, Jointly Administered

Case No: 12-12020 (MG)
Chapter 11

PROOF OF SERVICE

On this 29 day of May 2015, a Motion To Set Aside Order Dismissing Claim along with Affidavit of No Service was mailed to the following persons or companies by First Claim mail with proper postage affixed and property addressed to:

Counsel to the Debtors	Kramer, Levin, Naftalis & Frankel LLP
Larren M. Nashelsky	Counsel for the Official Committee of Unsecured Creditors
Gary S. Lee	1177 Avenue of the Americas
Lorenzo Mannuzzi	New York, New York 10036
Morrison & Foerster LLP	
1290 Avenue of the Americas	
New York, New York 10104	

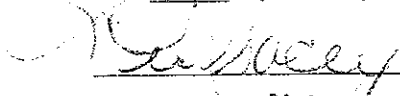
Office of the United States Trustee	Counsel to the Official Committee of Unsecured
Tracy Hope Davis	Creditors
201 Varick Street, Suite 1006	Kenneth H. Eckstein
New York New York 10004	Thomas Moers Mayer
	Douglas H. Mannal
	1177 Avenue of the Americas
	New York, New York 10036

Counsel to the Examiner
Howard Seife
David M. LeMay
Robert J. Gayda
Marc B. Roitman
Chadbourn & Park LLP
30 Rockefeller Plaza
New York, New York 10112



Ronald G. Kraft

Subscribed and sworn to
Before me a Notary Public on
This 24 day of May, 2015



TRACEY LEE
Notary Public, State of Michigan
Notary Public: **County of Wayne**
My Commission Expires: **My Commission Expires 09-16-2019**
Acting in the county of Oakland

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

Case No: 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, et al
Chapter 11
Debtors, Jointly Administered

AFFIDAVIT OF NO SERVICE

Ronald G. Kraft being duly sworn before a Notary Public deposes and states
as follows:

I never received a copy of Objections to Claim filed by Marlene Kraft and myself nor
did I receive a copy of Order Granting Objection to Claim until I contacted the office of
Morrison and Forerster, who informed me that an Order dismissing our Claim was entered by
the Court with no Objections filed by my wife or myself.

They mailed me a copy of the Order and the Proof of Service.


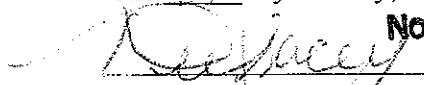
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24384 Hachaway Street Farmington Hills, 48334

not 24684 Hathaway Street, Farmington Hills, 48335

Our address is 24684 Hathaway Street, Farmington Hills, Michigan, 48335

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County of Wayne
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Clerk to the Honorable
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United States Bankruptcy Judge
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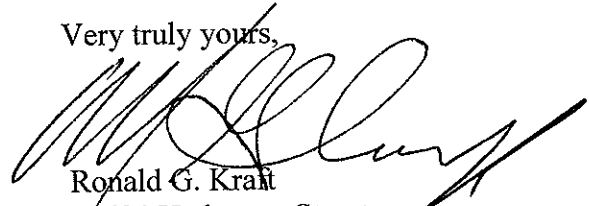
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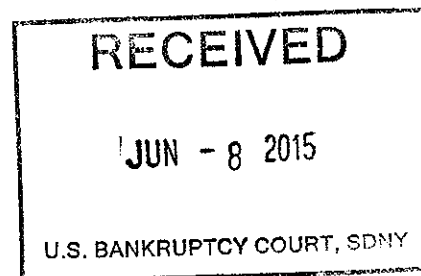
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248-909-2559



UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

RESIDENTIAL CAPITAL, LLC, et al

Case No: 12-12020 (MG)

Chapter 11

Debtors, Jointly Administered

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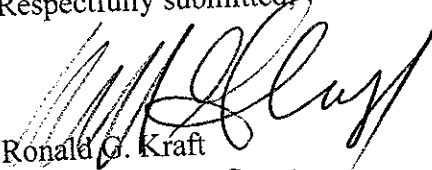
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Farmington Hills, Michigan 48335

Telephone # 248-909-2559

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

RESIDENTIAL CAPITAL, LLC, et al

Case No: 12-12020 (MG)

Chapter 11

Debtors, Jointly Administered

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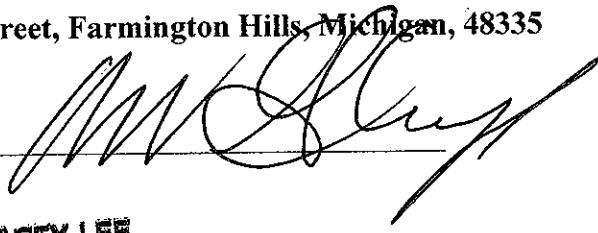
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Notary Public:
My Commission Expires:


TRACEY LEE
Notary Public, State of Michigan
County of Wayne
My Commission Expires 09-16-2019
Acting in the county of Oakland

Served via Food Chorus Mail:

01/28/2015 WED 13:15 FAX 2124688000 MORRISON & MORRISON LLP

GMAC Mortgage
c/o Kurtzman Carson Consultants LLC
PO Box 8013
Redondo Beach, CA 90277

025149



PRF 48744 725540

MARLENE L KRAFT
24684 HATHAWAY ST
FARMINGTON HILLS MI 48335-1547

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
Debtors.)	Jointly Administered

**ORDER GRANTING DEBTORS' FIFTY-FIRST OMNIBUS OBJECTION
TO CLAIMS (BORROWER BOOKS AND RECORDS CLAIMS -
RES JUDICATA AND WRONG DEBTOR)**

Upon the fifty-first omnibus objection to claims, dated November 8, 2013 [Docket No. 5646] (the "Fifty-First Omnibus Claims Objection")¹ of Residential Capital, LLC and its affiliated debtors in the above-referenced Chapter 11 Cases, as debtors and debtors in possession (collectively, the "Debtors"), seeking entry of an order, pursuant to section 502(b) of title 11 of the United States Code (the "Bankruptcy Code"), Rule 3007(d) of the Federal Rules of Bankruptcy Procedure, and this Court's order approving procedures for the filing of omnibus objections to proofs of claim (ECF Doc. // 3294) (the "Procedures Order"), disallowing and expunging the No Liability Borrower Claims on the basis that such claims are invalid under principles of res judicata and/or having been filed against the wrong debtor entity, all as more fully described in the Fifty-First Omnibus Claims Objection; and it appearing that this Court has jurisdiction to consider the Fifty-First Omnibus Claims Objection pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Fifty-First Omnibus Claims Objection and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of

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1212020131219000000000002

the Fifty-First Omnibus Claims Objection having been provided, and it appearing that no other or further notice need be provided; upon consideration of the Fifty-First Omnibus Claims Objection and the Declaration of Lauren Graham Delchey, the Declaration of Norman S. Rosenbaum and the Declaration of Robert D. Nosek, annexed to the Fifty-First Omnibus Claims Objection as Exhibits 1-3, respectively; and the Court having found and determined that the relief sought in the Fifty-First Omnibus Claims Objection is in the best interests of the Debtors, their estates, creditors, and all parties in interest and that the legal and factual bases set forth in the Fifty-First Omnibus Claims Objection establish just cause for the relief granted herein; and the Court having determined that the Fifty-First Omnibus Claims Objection complies with the Borrower Claim Procedures set forth in the Procedures Order; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the relief requested in the Fifty-First Omnibus Claims Objection is granted to the extent provided herein; and it is further

ORDERED that, pursuant to section 502(b) of the Bankruptcy Code, the claims listed on Exhibit A annexed hereto under the heading "Claims to be Disallowed and Expunged" (collectively, the "No Liability Borrower Claims") are disallowed and expunged with prejudice; and it is further

ORDERED that Kurtzman Carson Consultants LLC, the Debtors' claims and noticing agent, is directed to disallow and expunge the No Liability Borrower Claims identified on the schedule attached as Exhibit A hereto so that such claims are no longer maintained on the Debtors' claims register; and it is further

ORDERED that the following matter relating to the No Liability Borrower Claims shall be adjourned to the omnibus hearing scheduled for January 30, 2014 at 10:00 a.m. (EST):

the Fifty-First Omnibus Claims Objection having been provided, and it appearing that no other or further notice need be provided; upon consideration of the Fifty-First Omnibus Claims Objection and the Declaration of Lauren Graham Delchey, the Declaration of Norman S. Rosenbaum and the Declaration of Robert D. Nosek, annexed to the Fifty-First Omnibus Claims Objection as Exhibits 1-3, respectively; and the Court having found and determined that the relief sought in the Fifty-First Omnibus Claims Objection is in the best interests of the Debtors, their estates, creditors, and all parties in interest and that the legal and factual bases set forth in the Fifty-First Omnibus Claims Objection establish just cause for the relief granted herein; and the Court having determined that the Fifty-First Omnibus Claims Objection complies with the Borrower Claim Procedures set forth in the Procedures Order; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the relief requested in the Fifty-First Omnibus Claims Objection is granted to the extent provided herein; and it is further

ORDERED that, pursuant to section 502(b) of the Bankruptcy Code, the claims listed on Exhibit A annexed hereto under the heading "Claims to be Disallowed and Expunged" (collectively, the "No Liability Borrower Claims") are disallowed and expunged with prejudice; and it is further

ORDERED that Kurtzman Carson Consultants LLC, the Debtors' claims and noticing agent, is directed to disallow and expunge the No Liability Borrower Claims identified on the schedule attached as Exhibit A hereto so that such claims are no longer maintained on the Debtors' claims register; and it is further

ORDERED that the following matter relating to the No Liability Borrower Claims shall be adjourned to the omnibus hearing scheduled for January 30, 2014 at 10:00 a.m. (EST):

- Jamic L. Gindele (Claim Nos. 5422 and 5431)

ORDERED that the Debtors are authorized and empowered to take all actions as may be necessary and appropriate to implement the terms of this Order; and it is further

ORDERED that notice of the Fifty-First Omnibus Claims Objection, as provided therein, shall be deemed good and sufficient notice of such objection, and the requirements of Bankruptcy Rule 3007(a), the Case Management Procedures entered on May 23, 2012 (ECF Doc. # 141), the Procedures Order, and the Local Bankruptcy Rules of this Court are satisfied by such notice; and it is further

ORDERED that this Order has no res judicata, estoppel, or other effect on the validity, allowance, or disallowance of any claim not listed on Exhibit A annexed to this Order, and the Debtors' and any party in interest's rights to object on any basis are expressly reserved with respect to any such claim not listed on Exhibit A annexed hereto; and it is further

ORDERED that this Order shall be a final order with respect to each of the No Liability Borrower Claims identified on Exhibit A, annexed hereto, as if each such No Liability Borrower Claim had been individually objected to; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: December 19, 2013
New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

RESIDENTIAL CAPITAL, LLC, et al
Debtors, Jointly Administered

Case No: 12-12020 (MG)
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PROOF OF SERVICE

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Larren M. Nashelsky	Counsel for the Official Committee of Unsecured Creditors
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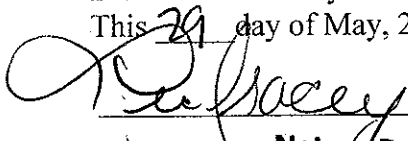
Office of the United States Trustee	Counsel to the Official Committee of Unsecured
Tracy Hope Davis	Creditors
201 Varick Street, Suite 1006	Kenneth H. Eckstein
New York New York 10004	Thomas Moers Mayer
	Douglas H. Mannal
	1177 Avenue of the Americas
	New York, New York 10036

Counsel to the Examiner
Howard Seife
David M. LeMay
Robert J. Gayda
Marc B. Roitman
Chadbourn & Park LLP
30 Rockefeller Plaza
New York, New York 10112



Ronald G. Kraft

Subscribed and sworn to
Before me a Notary Public on
This 29 day of May, 2015



TRACEY LEE
Notary Public, State of Michigan
County of Wayne
Notary Public:
My Commission Expires: **09-16-2019**
Acting in the county of Oakland